

# Chapter 1

## Introduction

### General Information

This document presents responses to comments submitted by agencies, individuals, and organizations concerning the Draft Supplemental Environmental Impact Report/Environmental Impact Statement (SEIR/EIS) for the Bel Marin Keys Unit V (BMKV) Expansion of the Hamilton Wetland Restoration Project. The Draft SEIR/EIS, prepared for the California State Coastal Conservancy (Conservancy) and the U.S. Army Corps of Engineers (Corps), was made available to the public and regulatory agencies for review and comment during the comment period (July 19, 2002 to September 13, 2002).

The Guidelines implementing the California Environmental Quality Act (CEQA) require that written responses be prepared for all written and oral comments received on a Draft EIR during the public review period. CEQA Guidelines Section 15132 specifically states:

The Final EIR shall consist of:

- a. The Draft EIR or a revision of that draft.
- b. Comments and recommendations received on the Draft EIR either verbatim or in a summary.
- c. A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d. The response of the Lead Agency to significant environmental points raised in the review and consultation process.
- e. Any other information added by the Lead agency.

Similarly, the Council on Environmental Quality Regulations Implementing the National Environmental Policy Act (NEPA) require that a final EIS be prepared responding to all substantive comments received on the draft and also discussing any responsible opposing views on issues raised. Specifically, 40 CFR 1503.4 states:

An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one

or more of the means listed below, stating its response in the final statement.  
Possible responses are to:

1. Modify alternatives including the proposed action.
2. Develop and evaluate alternatives not previously given serious consideration by the agency.
3. Supplement, improve, or modify its analyses.
4. Make factual corrections.
5. Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

This Final SEIR/EIS has been prepared in compliance with these Guidelines and Regulations, as well as with applicable procedures of the Corps and the Coastal Conservancy.

Comments on the Draft SEIR/EIS were received in letters submitted during the public comment period. A public hearing was also held on August 21, 2002, in Novato, California. Oral comments were received at the public hearing and were recorded on a transcript. Comments received and the transcript of oral comments made at the public hearing, along with the lead agencies' responses to the comments, are included in chapter 3 of this document.

This document is organized as follows.

- Chapter 1. Introduction
- Chapter 2. Master Responses
- Chapter 3. Response to Comments

## Master Responses

Chapter 2 of this document contains detailed master responses to the following 18 general issues, which were raised in multiple comments.

1. Preferred Alternative
2. Flooding (Novato Creek and Pacheco Pond)
3. Flood Zoning and Marin County Flood Control and Water Conservation District Easements
4. Bel Marin Keys South Lagoon Overflow and Bel Marin Keys Community Services District Drainage Easement
5. Flood Insurance

- 1 6. Novato Creek Morphology (Levee Breach and Navigation)
- 2 7. Pacheco Pond Outflow Diversion
- 3 8. Levee Heights and Locations
- 4 9. Visual Aesthetics
- 5 10. Dredged Material Quality and Sources
- 6 11. Habitat Design
- 7 12. Existing Wildlife Habitat
- 8 13. Trails and Use
- 9 14. Interpretive Center Location
- 10 15. Mosquito Breeding Habitat and Pest Displacement
- 11 16. Construction Disturbance (Air, Noise, Traffic)
- 12 17. Agriculture
- 13 18. Climate Change

## 14 Individual Responses

15 Chapter 3 of this document contains the comments received by the lead agencies  
16 during the comment period (July 19, 2002 to September 13, 2002) and responses  
17 to substantive issues raised in the comments. Copies of comments received in  
18 writing are included in the chapter. Comments provided orally at the public  
19 hearing were recorded by a court reporter. The transcript of the comments is  
20 included in the chapter. Where an agency, individual, or organization provided  
21 multiple written comments or provided both written and oral comment at the  
22 public hearing, the comments were consolidated together to provide consolidated  
23 responses to the commenting party in one location.

24 The comment letters are grouped in 4 categories: federal agencies, state  
25 agencies, local agencies, and individuals and organizations. The letters are  
26 organized alphabetically within each category by commenter name. Each  
27 comment letter has been designated with a letter and a number. The letter  
28 reflects the category, and the number reflects where the comment letter falls in  
29 the category. For example, the first letter in the federal category is F-1, the  
30 second is F-2, and so on. Individual comments in each letter are numbered  
31 sequentially. For example, the first comment in comment letter F-1 is F-1.1, the  
32 second is F-1.2, and so on. The comment letters are listed below.

## Federal Agencies

- F-1 U.S. Dept. of Commerce, National Oceanic and Atmospheric Administration (NOAA)
- F-2 U.S. Environmental Protection Agency (USEPA), Region IX
- F-3 U.S. Department of Interior, Office of Environmental Policy and Compliance (OEPC)

## State Agencies

- S-1 California Department of Fish and Game (DFG)
- S-2 Office of Planning and Research, State Clearinghouse
- S-3 California Department of Toxic Substances Control (DTSC), July 26, 2002
- S-4 California State Lands Commission (SLC)
- S-5 San Francisco Regional Water Quality Control Board (SFRWQCB)
- S-6 California Department of Toxic Substances Control (DTSC), September 13, 2002
- S-7 California Historical Resources Information System (CHRIS)

## Local Agencies

- L-1 Bel Marin Keys Community Services District (BMK CSD)
- L-2 Port of Oakland
- L-3 North Marin Water District (NMWD)
- L-4 Association of Bay Area Governments, Bay Trail Project
- L-5 Novato Sanitary District (NSD)
- L-6 Marin-Sonoma Mosquito and Vector Control District (MSMVCD)
- L-7 City of Novato
- L-8 Marin County Flood Control and Water Conservation District (MCFCWCD)
- L-9 Marin County Community Development Agency (MCCDA)

## Individuals and Organizations

- I-1 Leila Tweed
- I-2 Kristine Jackson
- I-3 Lisa and Tom Mowbray
- I-4 Duane Collins
- I-5 N.C. Nicholas
- I-6 Howard Hall
- I-7 Mark Kubik
- I-8 Richard Cohen
- I-9 Edward Mainland
- I-10 Robert Farnham
- I-11 G. Kroneberger

1	I-12	Jeffory Morshead
2	I-13	Guenther and Ursel Braun
3	I-14	Nancy Kubik
4	I-15	John Boscacci
5	I-16	Hugh Smith
6	I-17	Evelyn Becker
7	I-18	Tom Harrison
8	I-19	Madeline Thomas
9	I-20	Jean Ducommon
10	I-21	Tom Jackson
11	I-22	Madeline Swartz
12	I-23	Robert Forsythe
13	I-24	Susanne Garber
14	I-25	Don Swartz
15	I-26	Vince Lattanzio
16	I-27	Karla Jacobs
17	I-28	Anna Lang
18	I-29	Mary Serpa
19	I-30	Dianne Kling
20	I-31	Rudolph & Elisabeth Sheldon
21	I-32	Anonymous Written Comments Submitted at Public Hearing
22	I-33	Andrea Vincent
23	I-34	Friends of Novato Creek
24	I-35	Marin Audubon Society
25	I-36	Marin Conservation League